

**Introduced by Senator Correa**

December 15, 2010

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An act to amend Section 87200 of the Government Code, relating to the Political Reform Act of 1974.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 50, as introduced, Correa. Conflicts of interest: disqualification.

Existing provisions of the Political Reform Act of 1974 prohibit a public official at any level of state or local government from making, participating in making, or attempting to use his or her official position to influence a governmental decision in which he or she knows or has reason to know that he or she has a financial interest, as defined. Existing law also requires specified elected and appointed officers at the state and local level of government to disclose specified financial interests by filing periodic statements of economic interests. Existing law further requires public officials who hold specified offices and who have a financial interest in a decision within the meaning of the Political Reform Act of 1974 to publicly identify the financial interest giving rise to the conflict of interest or potential conflict of interest, recuse themselves from discussing and voting on the matter, and leave the room until after the discussion, vote, and other disposition of the matter is concluded, except as specified.

This bill would add members of the High-Speed Rail Authority to those specified offices who must publicly identify a financial interest giving rise to a conflict of interest or potential conflict of interest, and recuse themselves accordingly.

Existing law makes a violation of the Political Reform Act of 1974 subject to administrative, civil, and criminal penalties. This bill would impose a state-mandated local program by exposing these members to

potential criminal penalties for failing to make the disclosures and recuse themselves where required by this bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a  $\frac{2}{3}$  vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 87200 of the Government Code is  
2 amended to read:

3 87200. This article is applicable to elected state officers, judges  
4 and commissioners of courts of the judicial branch of government,  
5 members of the Public Utilities Commission, members of the State  
6 Energy Resources Conservation and Development Commission,  
7 members of the Fair Political Practices Commission, members of  
8 the California Coastal Commission, *members of the High-Speed*  
9 *Rail Authority*, members of planning commissions, members of  
10 the board of supervisors, district attorneys, county counsels, county  
11 treasurers, and chief administrative officers of counties, mayors,  
12 city managers, city attorneys, city treasurers, chief administrative  
13 officers and members of city councils of cities, and other public  
14 officials who manage public investments, and to candidates for  
15 any of these offices at any election.

16 SEC. 2. No reimbursement is required by this act pursuant to  
17 Section 6 of Article XIII B of the California Constitution because  
18 the only costs that may be incurred by a local agency or school  
19 district will be incurred because this act creates a new crime or  
20 infraction, eliminates a crime or infraction, or changes the penalty  
21 for a crime or infraction, within the meaning of Section 17556 of  
22 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California  
2 Constitution.

3 SEC. 3. The Legislature finds and declares that this bill furthers  
4 the purposes of the Political Reform Act of 1974 within the  
5 meaning of subdivision (a) of Section 81012 of the Government  
6 Code.

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